

(Counsel listed on next page)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOE LEWIS LUQUE AND HERMAN
RICHARDSON, Individually and On Behalf of All
Others Similarly Situated

Plaintiffs,

vs.

AT&T CORP., PACIFIC BELL TELEPHONE
CO. d/b/a AT&T CALIFORNIA, AND AT&T
COMMUNICATIONS OF CALIFORNIA, INC.,

Defendants.

No. C-09-5885-CRB (JCS)

**STIPULATION AND ~~PROPOSED~~
ORDER RE: DATE OF CASE
MANAGEMENT CONFERENCE**

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STIPULATION

Plaintiffs Joe Lewis Luque and Herman Richardson and defendants AT&T Corp., Pacific Bell Telephone Company, and AT&T Communications of California, Inc., acting through their counsel of record, hereby stipulate as follows:

1. The case management conference in this action currently is scheduled for June 25, 2010, at 10:00 a.m.

2. On the parties' stipulation, the Court has continued the hearing on plaintiffs' motion for conditional certification to August 27, 2010, to permit pre-conditional certification discovery.

3. Accordingly, the parties believe it would serve the interest of convenience and judicial economy if the case management conference were continued. The parties, however, do not agree on the new date for the conference:

a. Plaintiffs propose that the case management conference be continued to August 27, 2010, the same date as the hearing on their motion for conditional certification. Since the parties will already be before the Court, an August 27 case management conference will be an opportune time to set a plan for discovery in this case. Discovery should continue between the hearing and the Court's decision on plaintiffs' conditional certification motion. A case management conference will materially aid in moving this matter forward during this period.

b. Defendants propose that the case management conference be continued to a date at least 30 days after the Court rules on plaintiffs' motion for conditional certification, with a supplemented case management statement (as appropriate) filed one week before the conference. Defendants propose this new date because until the Court has ruled on conditional certification, the parties will not know the scope of the case, and therefore continuing the conference to August 27 will not materially aid in the planning process.

4. The case management conference has been rescheduled two previous times by stipulation of the parties and endorsement by the Court. However, a further postponement will not affect the overall schedule in the case as the parties will proceed with pre-certification discovery and continue

1 briefing on plaintiffs' motion in advance of the August 27 hearing.

2 Dated: June 24, 2010.

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9 By: /s/ Steven L. Wittels
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12 Dated: June 24, 2010.

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16 By: /s/ Jeffrey D. Wohl
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AT&T Corp., Pacific Bell Telephone Company, and
AT&T Communications of California, Inc.

ORDER

On the stipulation of the parties, and good cause appearing therefor,

IT IS ORDERED that case management conference currently scheduled for June 25, 2010, will be continued to:

- ☒ August 27, 2010, at 10:00 a.m.
- ☐ a date to be set by the Court that is at least 30 days after the Court rules on plaintiffs' motion for conditional certification, with a supplemented case management statement (as appropriate) filed one week before the conference.

Dated: June 25, 2010.

